

REMARKS

Claims 16 and 21 have been amended.

Claims 1-21 are currently pending in this application.

1. Rejections Under 35 U.S.C. § 102(b)

The Examiner's rejection of Claim 16 and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,247,443 to *Gilliam* is respectfully traversed. With respect to each of the rejected claims, the Examiner contends that the '443 *Gilliam* reference discloses each and every limitation.

The MPEP §2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim" *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Claims 16 and 21 have been amended slightly to clarify distinguishing limitations which are not set forth in the '443 *Gilliam* reference. Turning to Claim 16 as amended, the required limitation of a locking mechanism which is *independent of the torque modulating clutch* is not found in the '443 *Gilliam* reference. The '443 *Gilliam* reference further fails to disclose apportionment of torque between primary and secondary wheels which is controlled by the torque modulating clutch and by the independent locking mechanism.

Similarly, with respect to Claim 21, the '443 *Gilliam* reference fails to disclose a means for selectively transferring torque between an input shaft and an output shaft responsive to a provided mechanical clutch control means, together with a means for providing a locking engagement for mechanically transferring torque between the input shaft and the output shaft independent from the means for selectively transferring the torque. Furthermore, Claim 21 requires the means for providing a mechanical clutch control to be responsive to an amplified difference between an angular velocity of the output shaft and an angular velocity of the input shaft. No such mechanical clutch control means is present in the '443 *Gilliam* reference.

As best seen in Figure 2 of the '443 *Gilliam* reference, the structure of the '443 *Gilliam* device includes a clutch assembly (29) and a clutch coil (42). During operation, a signal sent to the clutch coil (42) from the electronic control (24) energizes the coil (42) and engages the clutch plates (39) and (41) into friction engagement to prevent rotation there between, thus locking the sun gear (34) and the ring gear (38) together. (Col. 3, lines 52-68). Thus, in the '443 *Gilliam* reference, the clutch mechanism is the locking mechanism, and a separate clutch mechanism and locking mechanism, together with associated separate and independent torque paths, are not present.

Independent Claims 16 and 21, as amended, each clearly require a locking mechanism or means for torque transfer which is separate and independent from a clutch mechanism or selective transfer means for torque transfer, thereby providing two separate torque pathways between an input shaft and an output shaft. See: Paras. [0039] and [0046]. The '443 *Gilliam* reference, in contrast, discloses a single clutch-type locking mechanism for apportioning torque from an input shaft between two separate

output shafts, and as such, fails to disclose the limitations of amended Claims 16 and 21 under 35 U.S.C. § 102(b). Claims 16 and 21, as amended, are therefore seen as allowable over the '443 *Gilliam* reference.

2. Allowed Claims

The Examiner's allowance of Claims 1-15 and 17-20 is acknowledged.

3. Conclusion

Based on the foregoing, the allowance of all claims is requested. If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

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